

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Charles Edward Hauth**  
**aka Charlie Hauth, dba Twin Pine Construction**  
Debtor(s)

Bankruptcy Case No.: 12-11738-TPA  
Per January 9, 2018 Proceeding  
Chapter: 13  
Docket No.: 141 – 131, 134  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 7, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: 1) The secured claim of the following Creditor shall govern as to prepetition arrears, and the monthly postpetition payments shall be based on allowed payment changes of record: NY Mellon Bank (Claim No. 7).

2) Debtor taking over long term continuing debt beginning March 2018.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

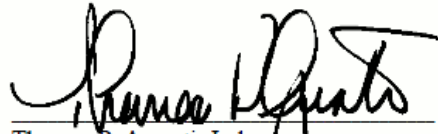
**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: January 10, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Charles Edward Hauth  
DebtorCase No. 12-11738-TPA  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: jmar  
Form ID: 149Page 1 of 3  
Total Noticed: 46

Date Rcvd: Jan 10, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2018.

db +Charles Edward Hauth, 5000 Hamot Street, Mc Kean, PA 16426-1451  
 cr +BANK OF AMERICA, N.A., 2380 Performance Dr, Richardson, TX 75082-4333  
 cr ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408  
 cr +The Bank of New York Mellon Trust Company, Robertson, Anschutz & Schneid,  
 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853  
 13553867 +AES/PHEAA, PO BOX 8183, HARRISBURG, PA 17105-8183  
 13568488 +AES/PHEAA, Po Box 8147, Harrisburg, PA 17105-8147  
 13531108 +Aes / M & T, Pob 2461, Harrisburg, PA 17105-2461  
 13531109 +Aes/M&T, 1200 North 7th Street, Harrisburg, PA 17102-1419  
 13531110 +Aes/pheaa, Pob 2461, Harrisburg, PA 17105-2461  
 13558304 +Apothaker & Associates, P.C., 520 Fellowship Road, C306, Mt. Laurel, NJ 08054-3410  
 13531111 +Arrowood Indemnity, 3600 Arco Corporate Drive P O Box 1000, Charlotte, NC 28201-1000  
 13531115 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank Of America, Attention: Recovery Department,  
 4161 Piedmont Parkway, Greensboro, NC 27410)  
 13531112 +Bac/Fleet Card, Bank of America, 100 North Tyron Street, Charolotte, NC 28255-0001  
 13531113 ++Bank Of America, Attn: Bankruptcy/MC: NC4-105-03-14, Po Box 26012,  
 Greensboro, NC 27420-6012  
 13531118 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Citi, CitiCard Credit Services/Centralized Ban, Po Box 20507,  
 Kansas City, MO 64195)  
 13531117 +Chase, Po Box 15298, Wilmington, DE 19850-5298  
 13531119 +Citi, Po Box 6497, Sioux Falls, SD 57117-6497  
 13531120 +Citibank Usa, Citicorp Credit Services/Attn: Centraliz, 100 Citibank Drive,  
 San Antonio, TX 78245-3202  
 13531122 +Dmccb/HSBC, Hsbc Card Services, Po Box 5246, Carol Stream, IL 60197-5246  
 13593225 ECMC, PO BOX 75906, ST. PAUL, MN 55175  
 13531123 +Five Star Bank, 55 North Main Street, Warsaw, NY 14569-1325  
 13553322 +Five Star Bank, 2851 Clover Street, Bldg. A, Pittsford, NY 14534-1711  
 13531125 +Green Point Savings, 807 Manhattan Avenue, Brooklyn, NY 11222-2710  
 13531129 +Keystone Rewards, Pob 2461, Harrisburg, PA 17105-2461  
 13531130 +M&t Elt - Pheaa, 1200 North 7th Street, Harrisburg, PA 17102-1419  
 13531131 +McKean Borough, Nancy Dylewski, Collector, 4240 Golden Road, Mc Kean, PA 16426-1927  
 13531132 +Morgan Drexen, 1117 Desert Lane, #592, Las Vegas, NV 89102-2305  
 13531133 +Mortgage Service Center, Attn: Bankruptcy Dept, Po Box 5452, Mt. Laurel, NJ 08054-5452  
 13531134 +Penn Credit Corporation, POB 988, Harrisburg, PA 17108-0988  
 13531135 +Providian/Chase, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850-5298  
 13531136 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 13531137 +Student Loan Trust, 701 East 60th Street, Sioux Falls, SD 57104-0432  
 13531138 +Sunrise Credit Service, 234 Airport Plaza Boulevard S, Farmingdale, NY 11735-3938  
 13564571 +Sunrise Credit Services, Inc., 260 Airport Plaza, Farmingdale, NY 11735-4021  
 14153589 +THE BANK OF NEW YORK MELLON, Robertson, Anschutz & Schneid, 6409 Congress Ave, Suite 100,  
 Boca Raton, FL 33487-2853  
 13776039 The Bank of New York Mellon FKA, The Bank of New York Successor Trustee t,  
 c/o Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933  
 13531140 Verizon, 500 Technology Drive, Suite 300, Saint Charles, MO 63304-2225  
 13531141 +Wells Fargo Financial, Attention: Bankruptcy, Po Box 29704, Phoenix, AZ 85038-9704

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13531107 +E-mail/Text: bkr@cardworks.com Jan 11 2018 02:13:01 Advanta Bank, Welsh and McKean Roads,  
 Po Box 9217, Old Bethpage, NY 11804-9017  
 13614859 E-mail/Text: bkr@cardworks.com Jan 11 2018 02:13:01 Advanta Bank Corporation,  
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368  
 13572339 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jan 11 2018 02:16:14  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 13531116 Fax: 888-777-2057 Jan 11 2018 03:09:17 Cco Mortgage Corp., 10561 Telegraph Road,  
 Glen Allen, VA 23059  
 13531121 E-mail/Text: mrdiscen@discover.com Jan 11 2018 02:13:04 Discover Financial Services LLC,  
 Po Box 15316, Wilmington, DE 19850  
 13531124 +E-mail/PDF: gecsed@recoverycorp.com Jan 11 2018 02:09:24 GE Capital Retail Bank,  
 Attn: Bankruptcy Department, P.O. Box 103106, v, Roswell, GA 30076-9106  
 13531127 +E-mail/Text: cio.bncmail@irs.gov Jan 11 2018 02:13:07 Internal Revenue Service,  
 Insolvency Unit, PO Box 7346, Philadelphia, PA 19101-7346  
 13881638 +Fax: 407-737-5634 Jan 11 2018 04:19:17 Ocwen Loan Servicing, LLC,  
 ATTN: Bankruptcy Department, 1661 Worthington Road, Suite 100,  
 West Palm Beach, FL 33409-6493

TOTAL: 8

District/off: 0315-1

User: jmar  
Form ID: 149

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Total Noticed: 46

Date Rcvd: Jan 10, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

md Norman E. Gilkey  
cr Ocwen Loan Servicing LLC  
cr Ocwen Loan Servicing, LLC  
cr THE BANK OF NEW YORK MELLON, AS SUCCESSOR TO JPMOR  
cr The Bank Of New York Mellon FKA The Bank Of New Yo  
cr The Bank of New York Mellon, et al...  
cr\* +AES/PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147  
13531114\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank Of America, Po Box 982235, El Paso, TX 79998)  
13531139\* ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
(address filed with court: Universal/citi, Attn.: Centralized Bankruptcy, Po Box 20507,  
Kansas City, MO 64195)  
13531126\* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,  
PHILADELPHIA PA 19101-7346  
(address filed with court: Internal Revenue Service, Office of District Counsel,  
1000 Liberty Center, Suite 601C, Pittsburgh, PA 15222)  
13531128\* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346  
TOTALS: 6, \* 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 12, 2018

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor BANK OF AMERICA, N.A. agornall@goldbecklaw.com,  
bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com  
Andrew F Gornall on behalf of Creditor The Bank of New York Mellon, et al...  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com  
Brett L. Messinger on behalf of Creditor Ocwen Loan Servicing LLC blmessinger@duanemorris.com,  
LMTryon@duanemorris.com  
Brett L. Messinger on behalf of Creditor THE BANK OF NEW YORK MELLON, AS SUCCESSOR TO  
JPMORGAN CHASE BANK, NOT INDIVIDUALLY BUT SOLELY AS TRUSTEE FOR THE HOLDERS OF THE BEAR STEARNS  
ALT-A TRUST 2005-5, MORTGAGE PASS-THROUGH CERTIFICATES, SER blmessinger@duanemorris.com,  
LMTryon@duanemorris.com  
Daniel P. Foster on behalf of Debtor Charles Edward Hauth dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com  
Daniel P. Foster on behalf of Plaintiff Charles Edward Hauth dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com  
James Warmbrodt on behalf of Creditor The Bank Of New York Mellon FKA The Bank Of New York  
As Successor et al. bkgroup@kmlawgroup.com  
James A. Prostko on behalf of Creditor The Bank of New York Mellon, et al... pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
Jeremy J. Kobeski on behalf of Creditor The Bank Of New York Mellon FKA The Bank Of New York  
As Successor et al. pawb@fedphe.com  
Jerome B. Blank on behalf of Creditor The Bank of New York Mellon, et al... pawb@fedphe.com  
Jerome B. Blank on behalf of Creditor The Bank Of New York Mellon FKA The Bank Of New York As  
Successor et al. pawb@fedphe.com  
Joseph P. Schalk on behalf of Creditor THE BANK OF NEW YORK MELLON, AS SUCCESSOR TO JPMORGAN  
CHASE BANK, NOT INDIVIDUALLY BUT SOLELY AS TRUSTEE FOR THE HOLDERS OF THE BEAR STEARNS ALT-A  
TRUST 2005-5, MORTGAGE PASS-THROUGH CERTIFICATES, SER jschalk@barley.com, sromig@barley.com

District/off: 0315-1

User: jmar  
Form ID: 149

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Total Noticed: 46

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Joseph P. Schalk on behalf of Creditor Ocwen Loan Servicing, LLC jschalk@barley.com,  
sromig@barley.com  
Leslie J. Rase, Esq. on behalf of Creditor Ocwen Loan Servicing, LLC lrased@sterneisenberg.com,  
ddelvechchio@sterneisenberg.com;dbogucki@sterneisenberg.com  
Mario J. Hanyon on behalf of Creditor Ocwen Loan Servicing LLC pawb@fedphe.com  
Mario J. Hanyon on behalf of Creditor The Bank of New York Mellon, et al... pawb@fedphe.com  
Norman E. Gilkey on behalf of Mediator Norman E. Gilkey ngilkey@bccz.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com  
Thomas Song on behalf of Creditor The Bank Of New York Mellon FKA The Bank Of New York As  
Successor et al. pawb@fedphe.com  
Thomas Song on behalf of Creditor The Bank of New York Mellon, et al... pawb@fedphe.com  
TOTAL: 21